

1 Bill No. Z-84-05-12 (AS AMENDED)

2 ZONING MAP ORDINANCE NO. Z- 15-84

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. Q-2.

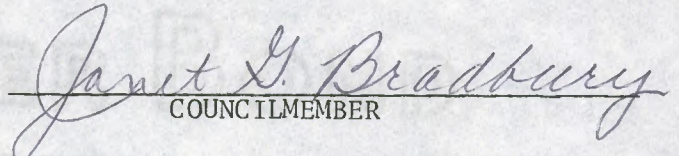
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:

7 SECTION 1: That the area described as follows is hereby
8 designated an M-2 (General Industry) District under the terms of Chapter
9 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 The North 100 feet of Lots Numbered 29, 30, 31, 32,
11 33, 34 and 35 in Lincoln Highway Park, an Addition
12 to the City of Fort Wayne, Allen County, Indiana

13 and the symbols of the City of Fort Wayne Zoning Map No. Q-2, as established
14 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
15 are hereby changed accordingly.

16 SECTION 2. That this Ordinance shall be in full force and effect
17 from and after its passage and approval by the Mayor.

18 
19 COUNCILMEMBER

20 APPROVED AS TO FORM AND LEGALITY:

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22 BRUCE O. BOXBERGER, CITY ATTORNEY
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BILL NO. Z-84- 05-12

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-2.

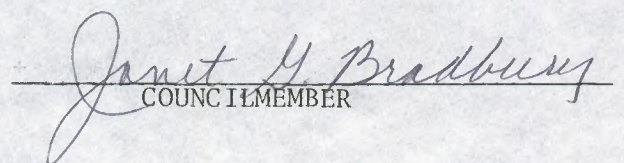
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That the area described as follows is hereby
designated an M-2 (General Industrial) District under the terms of Chapter
33 of the Code of the City of Fort Wayne, Indiana of 1974:

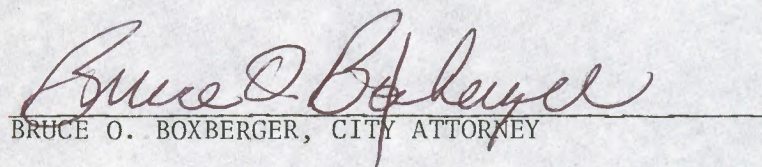
Lots Numbered 29, 30, 31, 32, 33, 34, and 35, Lincoln
Highway Park, an Addition to the City of Fort Wayne,
Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. Q-2, as established
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor.


COUNCIL MEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 5-15-84 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Shew, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-24-84 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL)

(~~SPECIAL~~) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-15-84
on the 24th day of July, 1984,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of July, 1984, at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of July, 1984, at the hour of 3:00 o'clock PM .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

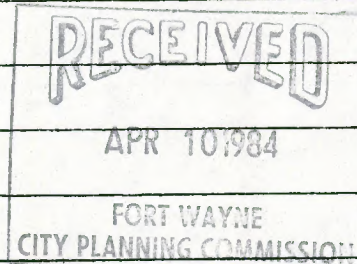
INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Ernst Realty and Investment Co., Inc.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an M-2 District the property described as follows:

Lots Numbered 29, 30, 31, 32, 33, 34 and 35, Lincoln Highway Park, an Addition
to the City of Fort Wayne, Allen County, Indiana



(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

~~I/We~~, the undersigned, certify ^{ies} that I ~~am~~ ^{it is} ~~the owner(s) of fifty-one~~
~~percentum (51%) or more of~~ the property described in this petition.
Ernst Realty and Investment Co., Inc. 2704 Jeffers Avenue
Fort Wayne, IN 46803

James A. Ernst, President

James A. Ernst
(Signature)

(Name)

(Address)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

BLOOM & BLOOM BY: A. DALE BLOOM
(Name)

1514 Anthony Wayne Bank Bldg.
Fort Wayne, Indiana 46802
(Address & Zip Code)

(219) 424-5930
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 15, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-05-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1984;

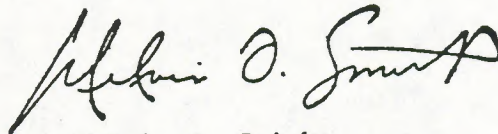
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 25, 1984.

Certified and signed this
5th day of July 1984.



Melvin O. Smith
Secretary

BILL NO. Z-84-05-12 (AS AMENDED)

Handwritten: District 746/84
[Signature]

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending the City of Fort Wayne Zoning Map No.

Q-2

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

Handwritten: Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN

Handwritten: Samuel J. Talarico

CHARLES B. REDD

MARK E. GIAQUINTA

Handwritten: Mark E. Giaquinta

JAMES S. STIER

Handwritten: [Signature]

CONCURRED

Handwritten: 7-24-84

SANDRA E. KENNEDY, CITY CLERK

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 10667

FT. WAYNE, IND.,

April 10 19 84

RECEIVED FROM

Event Realty & Investment

\$

THE SUM OF

50 and no/100's

100

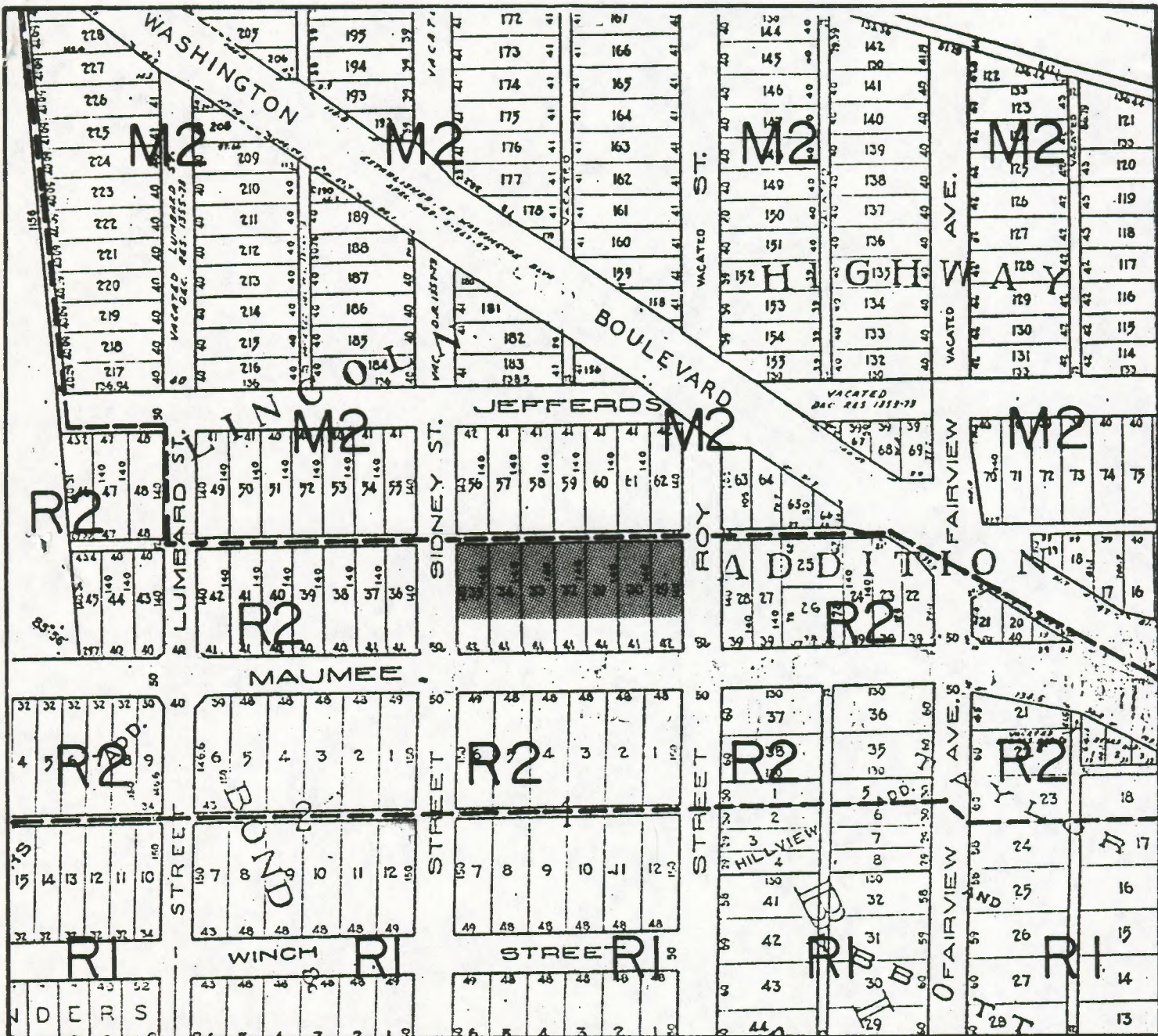
DOLLARS

ON ACCOUNT OF

Regoing App at Lots 29-35
Lincoln Highway Park

AUTHORIZED SIGNATURE

CK #
10660



A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN R2 TO AN M-2 DISTRICT.



MAP NO. Q-2

Z-84-05-12 (as Amended)

FACT SHEET

Z-84-05-12 (AS AMENDED)

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE Zoning Ordinance

APPROVAL DEADLINE

REASON

Amendment

None

DETAILS**Specific Location and/or Address**

North side of Maumee between Sidney & Roy Streets.

Reason for Project

Frame Service Inc., wishes to construct a new facility to store vehicles being worked on to prevent vandalism.

Discussion (Including relationship to other Council actions)

Dale Bloom attorney representing the petitioners Ernst Realty stated that the Frame Service Inc., specializes in the straightening of semi-truck frames and also is the only company equipped to work on City fire trucks in replacing springs. He stated they would require no new access cuts. He stated they would use the present ones off of Sidney and Roy Streets. He stated the new structure was needed not only for necessary expansion but also to prevent vandalism to vehicles being worked on.

Helen Pickett, President of Memorial Park Neighborhood Assn., appeared in opposition. She requested a postponement because she stated the neighborhood was not prepared to make a statement regarding the request they were unprepared.

Ben Eisbart advised Ms. Pickett to get together with Mr. Bloom and discuss the project before the business meeting on Monday and see if they could come up with some mutual agreement.

No one else appeared in opposition or in favor of the petition.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s) Ernest Realty

City Department

Other

Opponents

Groups or Individuals
Helen Pickett, President
Maumee Neighborhood Assn.

Basis of Opposition

Not familiar with project, feel they needed more time before making any decision.

**Staff
Recommendation**☐ For☒ Against**Reason Against**

Not compatible with Comprehensive Plan.

**Board or
Commission
Recommendation**

By

☐ For☐ Against☐ No Action Taken

☒ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

The decision on this case was deferred at the May 21, 1984 business meeting at the request of the neighborhood association and the recommendation of the Site Committee.

June 22, 1984 Business Meeting recommendation:

Amend requested approval.

- 1) Only zone north 100 feet of Lots 29 through 35 from R-2 to M-2.
- 2) Retain south 40 feet of Lots 29 through 35 as R-2.
- 3) Retain all existing trees and landscape within the south 40 foot to be retained R-2 as a buffer between residential to the south and industrial to the north.
- 4) No parking of any vehicles be permitted within this 40 foot R-2 buffer.

It was felt by the Commission that this 40 foot residential buffer would protect the neighborhood to some degree from the industrial zoning and the residential property would not be facing an M-2 zone but the 40 foot of R-2.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input checked="checked" type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start April 10, 1984

Date April 10, 1984

Projected Completion or Occupancy

Date June 22, 1984

Fact Sheet Prepared by

Pat Biancaniello

Date July 2, 1984

Reviewed by

Date

Reference or Case Number

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____ Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE _____ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE ~~lots 29 thru 35 in Lincoln Highway Park Addition~~

The North 100 Feet of Lots 29 thru 35 in Lincoln Highway Park Addition.

EFFECT OF PASSAGE _____ Property is now zoned R-2 - Two Family Residential.

Property will become M-2 - General Industry.

EFFECT OF NON-PASSAGE _____ Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____